

## INSPECTION REPORT

June 26, 1991

Genwal Coal Company  
P.O. Box 1201  
Huntington, UT 84527

Crandall Canyon Mine

## Personnel Present During the Inspection:

Allen Childs - Genwal Coal Co.  
Randall Ralphs - Genwal Coal Co.  
Steve Demziak - Utah Division of Oil, Gas and Mining (DOGM)  
Gary Fritz - Office of Surface Mining, Albuquerque Field Office  
(OSM-AFO), No. 244

Weather and Ground Conditions during the Inspection: Cloudy and warm with no sign of precipitation within the last 24 hours.

## ENFORCEMENT ACTION

This was a Ten-Day Notice (TDN) follow-up inspection ordered by the Deputy Director, Operations and Technical Services (DD-OTS), from OSM's Headquarters office in Washington, D.C. That order came through, in part, as a response to the State of Utah DOGM request for an informal review of the AFO decision of inappropriate finding regarding an outstanding TDN issued for a violation noted during an earlier oversight inspection of the Crandall Canyon Mine. In that letter, the DD-OTS affirmed the AFO's inappropriate finding of DOGM's response to the TDN. In the TDN, No. 91-02-246-002 violation no. 1, the AFO inspector notified DOGM that Genwal Coal Co. did not have a mining and reclamation permit to use the 1.3 mile section of the access/haul road located on the Manti La Sal National Forest, from the present mine permit boundary to State Highway No. 31.

The finding made by the DD-OTS concluded that Genwal Coal Co., through exclusive use of the road, was responsible for including it in their current DOGM mining and reclamation permit.

This follow-up inspection was to verify the permitting status of the road in question as well as another violation issued, no. 2 of 2 of that TDN. I will address the second part of the TDN later in this text so there will be no confusion between the two.

The determination was made through this inspection that, in fact, the operator still has not permitted the section of road noted in the TDN. I did that by asking the company representative, Mr. Childs, if they have taken steps to permit or begin to permit the road. He said that they have not initiated anything, nor has it been permitted. I also inspected the section of road noted in the TDN. The DOGM representative that accompanied me on this inspection declined to take enforcement action. Therefore, I issued a Federal Notice of Violation, No. 91-02-244-3 (TV-1), for failure to permit the section

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of road in question. This one-part violation requires the operator to reclaim that portion of road or permit it. Time periods for complying with that enforcement action are incorporated into the violation.

I was asked by company officials to modify some of the abatement requirements on the violation. Item no. 4 of this violation required that the company cease further construction or improvement of the access/haul road until permitted in accordance with the approved State program. They indicated that they had a contract with the U.S. Forest Service to widen and pave this section of road. In order to do that they were required to post additional bond with the agency. They were also committed as to when it could be done. This violation would void that agreement until the permitting action could be implemented. I told Mr. Childs that I understood that they had a contract that was threatened by this action but at this time, I would not modify the violation, but needed to discuss their concerns in this matter with the AFO Field Office Director. Upon returning to the AFO, the FOD decided to modify the NOV to allow the widening and paving activity after meeting with the U.S. Forest Service. It has since been modified, effective June 28, 1991. Time periods for complying with that enforcement action are incorporated into the violation.

I presented my credentials to Mr. Childs and discussed with him the procedures for appealing the fact of violation and the penalty thereof.

In closing, I should address violation no. 2 of 2 of this TDN. That violation, the failure to prevent, to the extent possible, additional contributions of sediment to stream flow for the same section of road noted in violation no. 1 of this TDN. The DOGM did not appeal the AFO finding of inappropriate for this violation. That being the case, the area in violation was reinspected on this inspection. No problems were noted. The operator installed sediment fence for one area of the road. Runoff on other portions of the road will happen until it is paved, permitted, or reclaimed; but the violation as noted on the initial inspection when the TDN was no longer occurring.